

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JAMES CAMPBELL,)
Plaintiff,)
)
vs.) 1:03-cv-0180-SEB-VSS
)
THE CITY OF INDIANAPOLIS and)
OFFICER FRANK MILLER,)
Defendants.)
)
)

**ENTRY DENYING PLAINTIFF'S POST-TRIAL MOTION FOR JUDGMENT AS
A MATTER OF LAW**

On February 22, 2006, Plaintiff filed a Post-Trial Motion for Judgment as a Matter of Law, pursuant to Federal Rule of Civil Procedure 50(b). This motion is merely the latest in a long series of requests by Plaintiff to rule in his favor as a matter of law, each of which we have denied.¹ Undaunted, Plaintiff now files a Rule 50(b) Post-Trial Motion for Judgment as a Matter of Law, which we must deny as well.

All of Plaintiff's various motions have advanced the same legal arguments that were presented at summary judgment and which we have repeatedly found unavailing.

¹ On April 24, 2005, Plaintiff filed a Motion for Summary Judgment, which we denied. Plaintiff next filed on January 10, 2006, a Motion to Reconsider our order denying Summary Judgment, which we also denied. Both before and during the trial on the merits, Plaintiff's counsel repeatedly sought reconsideration of our denial of the Motion to Reconsider, which each time we declined to do. Plaintiff's counsel moved at the close of evidence, for a Rule 50 Judgment as a Matter of Law which we also denied.

Moreover, the facts of this case have varied little since they were originally presented to the Court at the preliminary injunction hearing on April 2, 2003. Plaintiff's latest request again presents no new legal or factual issues.

The jury returned a verdict in favor of Defendants and against Plaintiff. The standard of review on Plaintiff's post-trial motion is "whether the evidence presented, combined with all reasonable inferences that may be drawn from it, sufficiently supports the jury verdict when viewed in the light most favorable to the party winning the verdict. Futrell v. J.I. Case, 38 F.3d 342, 346 (7th Cir. 1994) (citing Mathewson v. National Automatic Tool Co., Inc., 807 F.2d 87, 90 (7th Cir. 1986); Yarbrough v. Tower Oldsmobile, Inc., 789 F.2d 508, 512-13 (7th Cir. 1985)). We conclude there was more than sufficient evidence to support the jury's verdict, relying on our prior extrapolations of the evidence and on a final review of the trial record. There is no necessity for a lengthy, detailed recitation of the evidence presented and the Court's legal analysis of Plaintiff's case here.

Accordingly, Plaintiff's Post-Trial Motion for Judgment as a Matter of Law is **DENIED**. IT IS SO ORDERED.

Date: 03/21/2006


SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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